

Appl. No. 09/818,171
Suppl. Prel. Amdt. dated October 17, 2005

REMARKS

This supplemental preliminary amendment is being filed after Applicant filed a Request for Continued Examination and a Preliminary Amendment on September 16, 2005.

A. Status of the Claims and Explanation of Amendments

Claims 1, 10-12 and 20-22 were pending. By this paper, several amendments are made to address formal matters. Claims 1, 10, 11, 12 and 22 are amended to provide antecedent basis for various claim elements. Claims 20 and 21 are amended to depend from claim 12, instead of cancelled claim 15. In addition, claim 22 is amended to correct two typographical errors. These amendments after not made for any substantial reason related to patentability (35 U.S.C. §§ 102, 103).

In addition, new dependent claims 24-26 are added. These claims depend from independent claims 1, 12 and 22, respectively. Each of the new claims recites "the manually set image sensing conditions are selected from the group consisting of: view finder mode, display of setting conditions, compression ratio of image size, drive mode, strobe mode, focus type, exposure correction, white balance and electronic zooming." Support for these claims is found throughout the application as originally filed, including for example at pages 14-15.

No new matter will be added to this application by entry of these amendments. Entry is respectfully requested.

B. Recent Examiner Interviews and Takayama

During recent interviews, the Examiner alleged that currently pending claim 1 was anticipated by U.S. Patent No. 5,640,619 to Takayama et al. ("Takayama"). As discussed during those interviews, Applicant disagrees as Takayama's disclosure is limited and does not teach, disclose or suggest all of the features of Applicant's currently pending claim 1.

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Specifically, claim 1 recites:

An image sensing apparatus comprising:

an operation unit configured to set image sensing conditions manually in the image sensing apparatus;

a selection unit configured to select whether or not to use, when the image sensing apparatus is turned on next time, the image sensing conditions manually set at the time of turning off the image sensing apparatus;

a memory device configured to store the manually set image sensing conditions of the image sensing apparatus when the image sensing apparatus is turned off;

a determination unit configured to determine, at the time of turning on the image sensing apparatus, whether or not said selection unit selects to use the manually set image sensing conditions at the time of turning off the image sensing apparatus when the image sensing apparatus is turned on; and

a control unit configured to, when the determination result of said determination unit is affirmative, control to automatically read the manually set image sensing conditions stored in said memory device and to automatically set the read manually set image sensing conditions in the image sensing apparatus

During the interviews, the Examiner asserted that Takayama, at column 14, lines 19-51 discloses a "selection unit" as set forth in Applicant's claim 1. Applicant respectfully disagrees with this interpretation of Takayama.

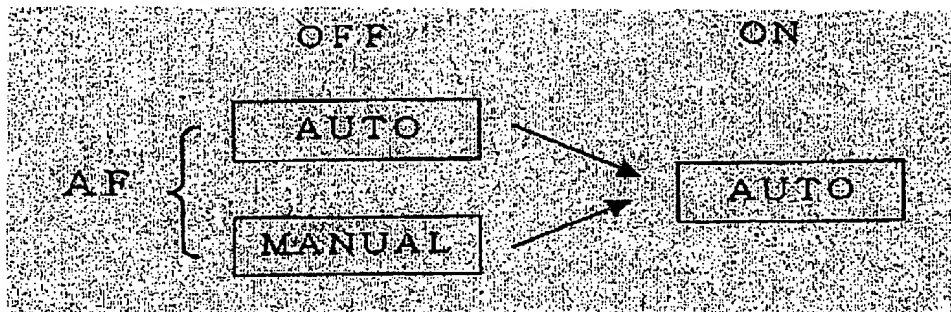
Takayama is directed to a multiple point focus detection camera and a method for switching between an automatic mode (where the computer selects a detection area for focusing and a manual mode (where the photographer selects a detection area for focusing). Takayama discloses, when the power switch is depressed, the camera automatically selects a default focus detection mode. [Col. 2, lines 30-38]. Takayama is limited to focus detection modes of this type, and does not discuss modes other than focus detection modes.

The default mode (automatic mode) is always set in step S103 when the power is turned on "regardless of the mode currently stored." [Col. 7, lines 25-30; *see also* Col. 3, lines 40-45 (controller selects default mode, "regardless of the mode that was selected previously," when the command for photography using the self timer is received); *see also* Figure 4]. If the

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manual mode was set at the time of turning off the camera, the camera always starts with the automatic mode. [Col. 8, line 63 to Col. 9, line 6]. Thus, “the automatic mode was set *every time* the power source was engaged or when the lens was switched.” [Col. 9, lines 22-25 (emphasis added)]. This functionality of Takayama’s system may be illustrated as follows:



There is no description in Takayama about selecting whether or not to use, when the camera is turned on, the manually set image sensing conditions at the time of turning off the camera. For instance, in the manual mode, the selection from the focus detection areas (58a, 58b, 58c) by the focus detection area selection lever 7 is always stored in the memory (46). [Col. 6, lines 38-40]. At the time of turning on the camera, initially the previously selected condition is always set in the step S107. [Col. 7, lines 38-40].

Takayama’s passage at column 14, lines 19-51, which was cited by the Examiner during the recent interviews, relates to a multiple point focus detection feature that is shown in Takayama’s Figures 15 and 16. When power switch (3) of the camera is turned on, the camera reads the self timer setting button (12) and the command dial (10). [Col. 14, lines 23-28]. Takayama discloses that the CPU (541) stores in memory (547) a mode (either one of three automatic focusing modes, or a manual focusing mode) depending on the condition of the self timer setting button (12) and the command dial (10). [Col. 14, lines 28-30]. Again, Takayama’s

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camera *always* stores in memory a mode selected by the self timer setting button and the command dial when the power is turned on. This passage does not disclose a situation where the mode is not initially set in accordance with these controls.

Accordingly, Takayama does not teach, disclose or suggest a "selection unit" as in pending claim 1, which is "configured to select whether or not to use, when the image sensing apparatus is turned on next time, the image sensing conditions manually set at the time of turning off." Accordingly, Applicant respectfully asserts that pending claims 1, 10-12, 20-22 and 24-26 are patentably distinguished from Takayama.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4692.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

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By: 

Matthew K. Blackburn
Registration No. 47,428

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile